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10/664,244	09/17/2003	**Kinya Washino**	FNI-02902/03	3743

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SALCE, JASON P	
ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/664,244	WASHINO, KINYA	
	Examiner	Art Unit	
	Jason P. Salce	2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

Applicant has amended the claims to specify that the frame rate of the progressive-scanned image is constant. The Examiner has applied the TM-1300 Operations Manual to reject the limitations previously rejected using the Anand reference.

The Examiner further notes that Page 7 of Applicant's specification states that that frame rate may be variable **OR** fixed, not both. Therefore, since Applicant has amended the independent claims to specify that the frame rate of the progressive-scanned image is constant, claims 11-12 and 30-31 are rejected under 112 1st Paragraph, because Applicant's specification does not support that a frame rate of a source of streaming progressive-scanned video is both constant and variable.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 11-12 and 30-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject

matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Page 7 of Applicant's specification states that that frame rate may be variable **OR** fixed, not both. Therefore, since Applicant has amended the independent claims to specify that the frame rate of the progressive-scanned image is constant, while claims 11-12 and 30-31 state that the frame rate is varied, Applicant's specification provides no support for a frame rate having both a constant and variable frame rate.

Claims 11-12 and 30-31are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Page 7 of Applicant's specification states that that frame rate may be variable **OR** fixed, not both. Therefore, since Applicant has amended the independent claims to specify that the frame rate of the progressive-scanned image is constant, while claims 11-12 and 30-31 state that the frame rate is varied, a video stream is not capable of having a constant frame rate and a variable frame rate, because if the video stream contains a variable frame rate, by definition, the frame rate of the video stream is not constant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 7-9, 14, 16-17, 19-23, 25-27, 32 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumagai et al. (U.S. Patent No. 6,952,804) in view of the TM-1300 Progressive Scan High Resolution Camera Operations Manual (herein referred to as the TM-1300 Manual).

Referring to claim 1, Kumagai discloses a high-quality, reduced data rate digital video system (**see Figures 1-2 and using MPEG encoded video signals at Column 4, Lines 10-17 to achieve a reduced rate video signal**).

Kumagai also discloses a source of streaming video programs (**see MPEG encoder 34 in Figure 2**).

Kumagai also discloses a video server in communication with the source for storing the program (**see high-compressed video server 31 and high-compressed video streamer 35 in Figure 2**).

Kumagai also discloses one or more computers in network communication with the video server for locally displaying the program or portions thereof (**see client 52, production devices 51A/51B and post production devices 40A/40B**).

Kumagai fails to disclose that the streaming video program has a progressive-scanned image with a frame rate of less than substantially 24fps.

The TM-1300 Manual discloses transmitting/outputting a progressive-scanned video signal onto a network through an RS-422 digital output interface at constant frame rate of only 12 fps (**see the first bullet of section 1.2 on Page 1 entitled "Features", section 2.21 (c) on Page 5 entitled "Digital Output Connector" and section 2.2.1 (d) on Page 6 entitled "Mode Control Switch" for the digital output being at frame rate of 12 fps in setting mode "5"**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the video signal transmitted within video transmission network, as taught by Kumagai, using the Progressive Scan High Resolution Camera, as taught by the TM-1300 Manual, for the purpose of eliminating interlace deterioration of an image (**see section 1.2 on Page 1 entitled "Features" which states the advantages of using the TM-1300 as a video stream source**).

Claim 2 corresponds to claim 1, where the TM-1300 Manual teaches that the CCD camera outputs video in a digital format through an RS-422 interface (**see section 2.2.1 (d) on Page 6 entitled "Mode Control Switch" and Figure 2 on Page 7 for the camera including a digital output**).

Claim 3 corresponds to claim 1, where the TM-1300 Manual discloses that the digital interface is an RS-422 interface (**see section 2.2.1 (c) on Page 5**). Note that the RS-422 Standard discloses that the streaming video program output by an RS-422 interface has a data rate of 10Mbps or less (**see Pages 2-3 for the section entitled**

"Data Signaling Rate"), therefore the TM-1300 CCD camera inherently outputs a video stream at a data rate of 10Mbps or less.

Claim 4 corresponds to claim 1, where the TM-1300 Manual discloses that the digital interface is an RS-422 interface (**see section 2.2.1 (c) on Page 5**). Note that the RS-422 Standard discloses that the streaming video program output by an RS-422 interface has a data rate between 200K to 6Mbps (**see Pages 2-3 for the section entitled "Data Signaling Rate"**), therefore the TM-1300 CCD camera inherently outputs a video stream at a data rate between 200K to 6Mbps.

Claim 5 corresponds to claim 1, where Kumagai further includes editing capability for manipulating the program stored on the server (**see Column 5, Line 30 through Column 6, Line 27**).

Claim 7 corresponds to claim 5, where Kumagai further teaches that the program editing capability supports the generation of an edit decision list (**see Column 5, Line 30 through Column 6, Line 27**).

Claim 8 corresponds to claim 5, where Kumagai discloses program editing capability for PC nonlinear editing according to an EDL (**see the rejection of claim 7**), but fails to teach the conversion of an AVI file.

The examiner takes Official Notice to the fact that it is well known to convert AVI files to different types of formats.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the video format of the video signals used in the editing process, as taught by Kumagai and Anand, using the AVI conversion, as taught by the examiner's Official Notice, for the purpose of allowing a non-linear editing system to easily processing video files loaded into the program for editing.

Claim 9 corresponds to claim 1, where Kumagai further discloses a computer in network communication with the video server to display the program using a media player (**see client device 52 in Figure 3 and Column 3, Lines 26-32 and further note that since the client device 52 is capable of displaying the received video signal, the client device must inherently contain software to decode and display the video signal, therefore Kumagai inherently teaches a media player**).

Claim 14 corresponds to claim 1, Kumagai discloses that the locally displayed program or portions thereof are in the same format as the streaming video program received from the source (**see Column 4, Lines 10-22 for providing to the video system in the MPEG format**).

Claim 16 corresponds to claim 1, where Kumagai further discloses including a personal computer based monitor for the streaming video program received from the source (**see client device 52 in Figure 3 and Column 3, Lines 26-32**).

Claim 17 corresponds to claim 1, where Kumagai further discloses that the streaming video program is received through a network connection (**see network 20 for transmitting video from servers 31/32 in Figure 1**).

Referring to claims 19-23, 25-27, 32 and 34-35, see the rejection of claims 1-5, 7-9, 14 and 16-17, respectively.

Claims 11, 13, 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumagai et al. (U.S. Patent No. 6,952,804) in view of the TM-1300 Progressive Scan High Resolution Camera Operations Manual (herein referred to as the TM-1300 Manual) in further view of Anand et al. (U.S. Patent No. 6,920,179).

Claims 11 and 13 correspond to claims 1 and 2, respectively, where Kumagai and the TM-1300 Manual teach all of the limitations of claim 1, but fail to teach that the frame rate is varied in response to externally or operated generated commands.

Anand further discloses that the frame rate is varied in response to externally or operated generated commands (**see Column 6, Lines 11-19**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the video signal transmitted within video transmission network, as taught by Kumagai, using the scaled down frame rate video signal distribution process, as taught by Anand, for the purpose of providing an efficient general framework for video transmission over a heterogeneous network, which allows bit rate scalability, adaptability across different network conditions and graceful degradation in the presence of channel errors (**see Column 3, Lines 3-9 of Anand**).

Referring to claims 29 and 31, see the rejection of claim 11 and 13, respectively.

Claims 6 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumagai et al. (U.S. Patent No. 6,952,804) in view of the TM-1300 Progressive Scan High Resolution Camera Operations Manual (herein referred to as the TM-1300 Manual) in further view of Jain et al. (U.S. Patent No. 6,144,375).

Referring to claim 6, Kumagai and the TM-1300 Manual disclose all of the limitations in claim 5, but fail to teach that the program editing capability facilitates frame-by-frame control, including variable, bi-directional playback.

Jain discloses a non-linear editing system that allows users to facilitate frame-by-frame control, including variable, bi-directional playback (**see Figure 7 and Column 25, Line 58 through Column 26, Line 25**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the editing capability, as taught by Kumagai and the TM-1300 Manual, using the non-linear editing capabilities, as taught by Jain, for the purpose of allowing a user to easily and flexibly interact with a fully linked video, audio and data database in an intuitive and straightforward manner (**see Column 4, Lines 51-54 of Jain**).

Referring to claim 24, see the rejection of claim 6.

Claims 10, 15, 18, 28, 33 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumagai et al. (U.S. Patent No. 6,952,804) in view of in view of the TM-1300 Progressive Scan High Resolution Camera Operations Manual (herein referred to as the TM-1300 Manual) in further view of Esbensen (U.S. Patent No. 7,124,427).

Referring to claim 10, Kumagai and the TM-1300 Manual disclose all of the limitation in claim 1, as well as Kumagai teaching a computer in network communication with the video server operative to display programs (**see the rejection of claim 9**), but fail to teach that the source includes multiple camera outputting different programs and that the computer can display multiple programs in separate windows as part of a surveillance system.

Esbensen discloses a surveillance system that receives video image from multiple cameras (**see Figures 1-2 and Column 4, Lines 23-41**) and can display those

images in multiple windows on a display screen (**see clients 40 in Figure 1 and Column 10, Lines 34-41 for displaying multiple windows for displaying different surveillance cameras captured video**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the video transmission/distribution system, as taught by Kumagai and the TM-1300 Manual, to utilize the surveillance system components, as taught by Esbensen, for the purpose of capturing image data from a number of digital cameras and make that data available to viewers in a variety of different ways (**see Column 2, Lines 19-22 of Esbensen**).

Referring to claim 15, see the rejection of claim 10 and further note that Esbensen discloses computer based control of the camera/input device (**see Column 5, Lines 48-52**).

Referring to claim 18, see the rejection of claim 10 and further note that Esbensen discloses that the video server includes an optical storage medium (**see Column 9, Lines 23-27**).

Referring to claims 28, 33 and 36, see the rejection of claims 10, 15 and 18, respectively.

Claims 12 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumagai et al. (U.S. Patent No. 6,952,804) in view of in view of the TM-1300 Progressive Scan High Resolution Camera Operations Manual (herein referred to as the TM-1300 Manual) in further view of Amini et al. (U.S. Patent No. 6,698,021)..

Referring to claim 12, Kumagai and the TM-1300 Manual disclose all of the limitation in claim 2, but fail to teach varying the frame rate based on camera-generated commands.

Amini discloses changing the frame rate based on a camera-generated command (**see Figure 9C and Column 14, Lines 42-45 for changing the options "Images Per Second"**).

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the editing and distribution system, as taught by Kumagai and the TM-1300 Manual, using the frame rate control option, as taught by Amini, for the purpose of enabling the user to control viewing of archived video images that have been retrieved an image database (**see Column 14, Lines 28-30 of Amini**).

Referring to claim 30, see the rejection of claim 12.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/
Primary Examiner, Art Unit 2421

Jason P Salce
Primary Examiner
Art Unit 2421

March 25, 2009